



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Confirmation No.: 5436

Holt, et al.

Art Unit: 2642

Serial No.: 08/876,839

Docket No. 190251-1270

Filed: June 16, 1997

For: **Method and Apparatus for Routing Calls Based on Identification of the Calling Party or Calling Line**

**COMBINED PETITION UNDER § 1.182, 37 C.F.R., 37 C.F.R. § 1.48(c),
AND 37 C.F.R. §1.183 TO AMEND ABANDONED
APPLICATIONS, ADD INVENTORS, AND WAIVE REQUIREMENTS**

Mail Stop Petition
Commissioner of Patents
P.O. Box 1450

Arlington, VA 22313-1450

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Sir:

01/05/2006 HGUTEMA1 00000033 200778 08876839

05 FC:1464 10.00 DA 120.00 OP

01/05/2006 HGUTEMA1 00000033 08876839

04 FC:1462 400.00 OP

Applicants petition under 37 C.F.R. §1.182 (with fee under §1.17(h)) to render an attached Supplemental Amendment to the cross-reference, priority claim and claims, as well as a below-referenced petition under §1.48(c) to amend inventorship, to be effective to the filing date of June 16, 1997. In other words, despite the filing of continued prosecution applications (CPAs) on July 19, 2000, and on February 6, 2002, continuity is to be maintained through the granting of this petition under 37 C.F.R. §1.182. Authority for amending earlier applications is provided in *Sampson v. Commissioner of Patents and Trademarks*, 195 U.S.P.Q. 136 (D.D.C., 1976). Thus, granting of this petition and entering the attached Supplemental Amendment, with Request for Continued Examination, will render the present application a continuation-in-part with priority to U.S. Pat. No. 5,764,747.

Furthermore, because of 37 C.F.R. §1.78(a)(2)(i) and 37 C.F.R. §1.78(a)(2)(iv), Applicants submit that the filing of the two above-referenced CPA applications do not change the

applicability of June 16, 1997, to the determination under 37 C.F.R. §1.78(a)(2)(ii)(B), resulting in no petition being needed under 37 C.F.R. §1.78(a)(3). Nonetheless, if such a petition is deemed to be necessary, Applicants hereby petition for acceptance of such a claim and state that the entire delay between the date the claim for the benefit of the earlier application was due under paragraph (a)(2)(ii) of 37 C.F.R. §1.78 and the date this claim is filed was unintentional, and the fee required therefor is hereby authorized to be charged to Deposit Account No. 20-0778.

With regard to the petition to amend inventorship, Applicants hereby petition under 37 C.F.R. §1.48(c) for the addition of Drina C. Yue, Raymond J. Smets, Thomas Joseph Moquin, Evan Kraus, Terry Durand, Lawrence R. Burke as co-inventors in the above-identified patent application. Through no deceptive intent of the applicant or its attorneys, but because of claim amendments in an attached Supplemental Amendment, inventors Drina C. Yue, Raymond J. Smets, Thomas Joseph Moquin, Evan Kraus, Terry Durand, Lawrence R. Burke were not included in the above-identified patent application, when initially filed. In accordance with 37 C.F.R. §1.48(c), this petition is accompanied by:

1. Statements by Drina C. Yue, Raymond J. Smets, Thomas Joseph Moquin, Terry Durand, and Lawrence R. Burke (individually), indicating that the omission of each of the inventor's identity from inventorship occurred without deceptive intention on their part and that the addition was necessitated by amendment of the claims;
2. Executed Declarations by all inventors except Evan Kraus in accordance with 37 C.F.R. §1.63;
3. A petition under 37 C.F.R. §1.47(a) to prosecute the application without the cooperation of Evan Kraus;
4. The fee prescribed by 37 C.F.R. §1.17(i);
5. The fee prescribed by 37 C.F.R. §1.17(h); and

6. The written consent of the assignee.

With regard to the petition to waive requirements, Applicants hereby petition for a waiver under 37 C.F.R. §1.183 (with fee under §1.17(h)) of the requirement that a statement from each person being added as an inventor be provided and that the statement include the assertion that his addition is necessitated by amendment of the claims and that the inventorship omission occurred without deceptive intent on his part. Applicants have contacted co-inventor Evan Kraus ("Mr. Kraus"), as evidenced by Applicants' aforementioned petition under 37 C.F.R. §1.47. Mr. Kraus refused to sign the necessary documents. Thus, upon information and belief, Applicants allege that Mr. Kraus refuses to provide a statement per 37 C.F.R. §1.48 (c)(2).

You are hereby authorized to charge any additional fee or deficiency or credit any overpayment to Deposit Account No. 20-0778.

Respectfully Submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

By: _____

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